

Indiana Public Defender Commission Meeting Minutes

December 16, 2009

Chairman Mark Rutherford called the business meeting to order at 2:05 p.m. Commission members in attendance were Susan Carpenter, Peter Nugent, Rep. Vernon Smith, and Rep. Greg Steuerwald. David Hensel participated in the meeting via conference call. Also in attendance were staff counsels, Deborah Neal and Jeffrey Wiese. Commission members unable to attend were Bettye Lou Jerrel, Judge Diane Ross Boswell, Sen. Brent Steele and Sen. Timothy S. Lanane.

Guests present at the meeting were Ann Smith Mischler, Magistrate of Sullivan County and Executive Director of the Indiana Public Defender Council, Larry Landis.

Approval of Minutes from 09/23/09 Meeting. Chairman Rutherford presented the minutes from the September 23, 2009 meeting for approval. Susan Carpenter moved for approval of the minutes as presented. Rep. Greg Steuerwald seconded the motion. The vote was unanimous in favor of approval.

Staff Counsel Memoranda. Deborah Neal detailed her contact with the counties during the quarter, as follows:

Allen County: The Allen County Public Defender Agency does not report attorney-assigned Children-in-need-of-services (“CHINS”) cases on their quarterly report to the Commission. After investigation it was discovered that Allen County public defenders are accepting appointments to CHINS cases as part of their private practice, are paid hourly by the court, and do not report these cases on the quarterly caseload worksheet. Since the Commission does not currently reimburse for CHINS cases, staff counsel wants direction from the Commission on the practice of public defenders taking public case assignments by a court as part of their private inventory of cases and whether these cases should be counted toward the maximum caseload allowed under Standard J for compliance purposes.

Vernon Smith asked if in a CHINS case, a parent requires a public defender. Deborah Neal said yes, if there is an indigent parent, representation by a county paid public defender is required. Peter Nugent said the court is paying these cases out of a budget separate from the budget for the Allen County Public Defender Office. Greg Steuerwald asked if this non-reporting of CHINS cases affected Allen County’s reimbursement requests or reporting. Staff answered it affects reporting of caseloads but has a net-zero affect on reimbursement amounts since any expenditure reported for a CHINS case would be deducted when calculating the reimbursable amount. Deborah Neal said the Commission must remember caseload limits cannot be exceeded and also that the Commission does not reimburse for CHINS cases. Susan Carpenter said while we do not reimburse for misdemeanor and CHINS cases, taking them does affect the public defender’s time available to spend on each case. These are public cases, not private cases and should be reported. Not reporting these cases may make a public defender seem to be in compliance with Standard J when if all public cases had been reported, he/she actually is out of compliance.

Larry Landis said we are confusing two issues. When Standard J was originally adopted, it was not meant to cover public defenders paid on an hourly basis; only salaried and contract public defenders. Standard J was meant to solve the problem of public defenders with a fixed compensation amount but caseloads with no limit. Even though we did not reimburse for misdemeanors, the county had to report these cases as a way for the Commission to keep track of reasonable caseloads for attorneys with capped compensation. Being paid by the case, outside of any contract, is a different situation. Larry stated he did not see why, since these cases are outside of their contract for public cases, that public defenders cannot take these cases as part of their private caseload. These attorneys are not being overloaded under their contract. There is still the capped caseload for their contract. If they are being paid \$60/hour for a public case, in my opinion, they could sell part of their private practice time to the court and say "I can take that CHINS case as part of my private practice". Mark Rutherford asked if this could also be done with misdemeanor cases. Larry Landis said as long as it is outside of their contracted caseload and they are being paid by the case, yes. Mark Rutherford stated but if they are being paid \$35k per year and they are getting all these misdemeanor and CHINS cases, they cannot all come from the same pot of money which is our reimbursement money, is that what this is about? Greg Steuerwald said I do not want to over-simplify this but if it does not affect what we are doing, why do we care? Deborah Neal responded, yes, it affects how to interpret Standard J. Standard J sets out the maximum public caseloads that should be handled in a 12-month period. The Commission needs to decide if it will allow a public defender to take their maximum caseload according to Standard J and then take additional public cases as he/she wants as long as they are being paid by the hour. Greg Steuerwald said that using Larry Landis's comment as a barometer, what is the problem if the cases are part of the public defender's private inventory of cases. Jeff Wiese said we also have to think about the representation they give to the client. While the public defender may be eligible to take hourly cases in addition to the contract cases, is the attorney adequately representing his clients' interest? Vernon Smith stated that is done all the time. Jeff Wiese asked if that is one of the reasons we have caseload maximums?

Larry Landis said the caseload maximums in Standard J were never meant to apply to public defenders paid by the hour; only to salaried and contract public defenders. Deborah Neal stated if that is correct, if the county only uses hourly public defenders, they can take as many cases as they want and never be out of compliance? Larry Landis said yes but public defenders have the ethical obligation to say no to new cases if they are overloaded. Mark Rutherford said it seems like we have this discussion about once each year. Deborah Neal said part of the problem is we have never asked about a public defender's private practice before but these are public cases taken as part of a private practice and we wanted to check with the Commission before investigating further. She asked are you going to go so far as to say that any assigned counsel is not controlled by Standard J's caseload maximums. If so, I want that as part of a guideline that we publish because you are turning our auditing process completely on its head. That is totally not what we have ever done. Vernon Smith stated he believes that the indigent client must have quality representation; based on my experience, the quality of service is not there. Deborah Neal said a good example is Sullivan County which was just represented by Magistrate Mischler; the county pays public defense attorneys by the hour, so why are we telling them to abide by Standard J if the interpretation is attorneys can take as many cases as they want because they are being paid \$60/hour. Larry Landis said he wonders why we are even talking to Sullivan County

about caseload limits. They pay \$60/hour and Followell and the other attorneys do not take anywhere near the maximum number of cases. I think what we are missing is the abuse that was addressed by Standard J which was fixed compensation with potentially unlimited caseloads. The standard is only designed to affect those public defenders with fixed compensation such as salaried and contracted. The standard was designed to prevent overload. Public defenders paid hourly must self-monitor their own caseloads and have the responsibility to refuse cases if they become overloaded. As long as the attorney is paid hourly, one case at a time, that attorney has the professional obligation to refuse a case unless he has the time to take that additional case. That has always been the only safeguard. Mark Rutherford stated so our safeguard is the minimum hourly rate of \$60 which we set, right? If Sullivan County public defenders want to do 2000 hours of public cases per year that is fine but what is the Commission's obligation to reimburse for that? Susan Carpenter said we reimburse for any hours spent on reimbursable cases. Deborah Neal stated so all Sullivan County would need to do is turn in their request for reimbursement without reporting caseloads right? We wouldn't need to know caseloads if the public defenders are paid hourly.

Peter Nugent asked what prevents a public defender from saying to a judge, I'm at my maximum caseload limit but then the court offers to pay the case by the hour. Is it acceptable that the attorney takes more cases as long as the attorney self monitors? Is an attorney much more likely to say I cannot take this as a public defender case but if you pay me by the hour, I can? I do not think there is a good answer for this situation. We do not want to tell part time public defenders that we could potentially limit your private practice. So to get part time public defenders you tell them we are not going to ask about your private practice. The end around bothers me a little.

Larry Landis asked if the public defender is willing to sell part of their private practice to the county and is self-monitoring, why does that bother you? Peter Nugent said because if our concern is for quality representation no matter how many cases I have, there are only so many hours in a day. Now, having done this for 20 years, there are some cases that require much less time than others but the quality representation issue comes in because there are only so many hours in a day and whether you are paying me by contract or by the hour, I still have the case to handle. There is just no easy answer. Larry Landis stated when a county contracts with a public defender for 50% of his/her time, the remaining time is the attorney's. If the county wants to buy part of that additional time, why shouldn't they be able to? Peter Nugent said I agree with that in theory but I'm concerned about self monitoring.

Vernon Smith asked if the Commission had ever conducted a quality-of-representation study regarding plea agreements. In his experience, there seems to be an unusually high number of pleas entered, perhaps because the client does not understand the situation or the public defender does not have time to adequately prepare a case. Mark Rutherford said a study would be difficult because whether to accept a plea is up to the defendant. Larry Landis stated that State Court Administration keeps details on pleas. He believes the percentages are around 1% of cases decided by jury trial, 3% by bench trial and the remainder is guilty pleas.

Deborah Neal said when the legislature allowed the Commission to start reimbursing non-capital cases, part of the spirit of the Commission when enacting the Standards was to improve the quality of representation and the only way to do this was to raise compensation for public

defenders while lowering their caseloads. I have always felt that we were following this spirit in our auditing practices when we agree to work with the counties and not always insisting on strict compliance with each word from the Standard but always agreeing that the spirit of the Standards be followed because our purpose is to improve the quality of representation. However, when I encounter a county like Whitley that had one attorney doing the caseload of four and judges were proud of the fact that they had not held a trial in two years, I am wondering if the indigent clients in Whitley County were as happy and proud of the public defense system as the judges. And, if the Commission had interpreted Standard J as it is proposing now, I would never have recommended suspending Whitley County from the reimbursement program because as long as Whitley County paid the attorney by the hour, he could do the work of four attorneys. In almost every response to a warning notice we send out a judge or county official will say, but our system really works for us. What is important to a judge is time. As long as the public defender gets along with the prosecutor and the cases keep moving, the system works, regardless of how the client is represented. Susan Carpenter pointed out that the client has no choice of public defender. He can complain to the judge if he does not like his public defender or the job his public defender is doing and will be told "that is the lawyer you got".

Greg Steuerwald said I struggle with this; the Commission never looks at private cases so a public defender could have an unlimited number of estate planning clients and still be in compliance with our Standards. Have you ever heard the saying "if you want something done, give it to a busy person"? I have an associate in my firm that is a public defender who is as busy as he can be but I would love him to take me on as a client. I do not know how to quantify these things. The goal is a good goal but even with our Standards, we cannot guarantee quality representation.

Vernon Smith said we are using public money and we are providing representation to people who cannot pick their own attorney so we have a higher level of responsibility.

Larry Landis said I see the problem as counting these cases a public defender takes in addition to the contracted number of cases, locks the public defender into the maximum caseload of a part time public defender regardless of whether he has the time to take additional cases. Are we actually defeating our goal of quality representation if we ignore the capacity these experienced public defenders may have? In the past, we have allowed public defenders to report these additional cases on a second caseload worksheet so they can take up to an additional part time maximum. There is only a problem if they exceed the maximum on both caseloads. Deborah Neal said a difference in this situation is Allen County is already reporting these public defenders as full time. If Allen County reported its public defenders as part time, we would suggest the two-caseload worksheet solution.

Mark Rutherford said the Commission needs more information to see if this is really a problem. Susan Carpenter asked what about the public defenders that are full time in one county, part time in another and maintains a private practice? Deborah Neal said let me give you an example. In Sullivan County, Shepler (one of the two public defenders out of compliance) is a part time public defender. You are saying that as long as she is paid \$60/hour she can take unlimited cases. She is also part time in Vigo County with a caseload maximum of 0.800. We could put her cases from Sullivan and Vigo Counties on one caseload worksheet and her numbers would

be off the chart. Larry Landis said that is a separate issue. You can't handle two part time contracts and take additional cases as assigned counsel too. Deborah Neal said she believes Vigo County would be upset if they had to give up a public defender and Shepler had to choose between counties in which to accept public defense cases. Neal further stated she did not understand the attitude that a public defender can take 4,000 cases at \$60/hour as long as they are in one county but the public defender cannot do the same thing by crossing county lines. Larry Landis said ethically that is a whole different thing. A public defender cannot take two part time contracts in two counties and still maintain they are a part time public defender. Mark Rutherford suggests this discussion be continued at another time because the Commission is scheduled for a conference call with David Hensel.

Switzerland County: Deborah Neal visited Switzerland County and realized the public defenders were taking CHINS cases as assigned hourly cases in addition to their contracted public cases. The solution which brought the county back into compliance was to continue reporting the public defender's contracted cases on a part time worksheet with a maximum of 1.000 FTE and allowing the public defender to report the additional hourly cases on a separate worksheet with a maximum of 0.750 FTE. This ensures the public defender is not handling a full time caseload. Once the cases were transferred to the proper sheets, all public defenders were in compliance with Standard J.

Montgomery County: Deborah Neal met with Judge Milligan and John Wyatt, the chairman of the county public defender board, and solved the non-compliance problem by basing the maximum caseloads for public defenders on the compensation paid to county prosecutors. Montgomery County pays its prosecutors at two different salary levels, \$60,000 and \$48,000. The public defenders taking Class D felonies and misdemeanors earn 80% of the prosecutors making \$48,000 and the public defenders taking major felonies were making 65% of the prosecutors being paid \$60,000. These public defenders will now be allowed to be reported on a full time worksheet with a maximum FTE of 0.800 and 0.650 respectively. When this is accomplished, all public defenders are actually in compliance with Standard J.

Sullivan County – Ann Smith Mischler, Sullivan County Magistrate, appeared on behalf of the county. Staff counsel sent Sullivan County a 90-Day Notice this quarter due to continued non-compliance with Standard J. The judicial officers and chairman of the Sullivan County Public Defender Board met with Jeff Wiese to devise a plan to address the problem. Two of Sullivan County's public defenders have been out of compliance with Standard J for a number of quarters. Staff counsel proposed designating these two attorneys as full time public defenders with inadequate support staff based upon comparable compensation with a full-time prosecutor. This would allow the two attorneys to carry a maximum caseload of 0.600 on a full time/inadequately staffed caseload worksheet. Under this plan, all Sullivan County public defenders would be in compliance with Standard J. Jeff Wiese reported the county realizes that caseloads must be monitored closely during a quarter. The plans calls for monthly caseload reports distributed to all judicial officers so that if a public defender is out of compliance, the courts will discontinue appointing them to cases for the quarter to ensure compliance. Vernon Smith made the motion to accept Sullivan County's plan to achieve compliance and authorized reimbursement of its 3rd quarter non-capital public defense expenditures. Greg Steuerwald seconded this motion. The motion passed unanimously.

Wabash County: Judges Robert McCallen, III and Christopher Goff joined the meeting via conference call. Wabash County received a 90-Day Notice this quarter due to continued non-compliance with Standard J. Wabash County has historically had public defenders contract for a portion of the public cases in a specific court. This practice has resulted in the public defenders in the superior court exceeding caseload maximums while public defenders in the circuit court having capacity to take additional cases. The county proposes changing the way it assigns cases in Superior Court. Attorney caseloads will be closely monitored monthly to prevent over-assigning of public cases. Peter Nugent asked Jeff Wiese if he believed this would bring the county into compliance. Jeff Wiese said in his opinion it is a good plan and should work barring an increase in the number of public cases in Wabash County. Judge Goff said the 90-Day Notice served as a wakeup call for the county. He stated the county has seven attorneys between Circuit and Superior Court who take public cases and all have agreed to take assignments in either court if it is necessary to keep within the caseload maximums. Vernon Smith made the motion to accept Wabash County's plan to achieve compliance and authorized reimbursements of its 3rd quarter non-capital public defense expenditures. Susan Carpenter seconded this motion. The motion passed unanimously.

Tippecanoe County: Tippecanoe County received a warning letter this quarter due to non-compliance with Standard J. Deborah Neal distributed the response from the county. The county entered the public defender program in 2000. The Commission gave Tippecanoe County five years, to April 2009, to reach full compliance with Commission standards. Tippecanoe County is taking steps to reach compliance including review of case counting and hiring additional public defenders. Deborah Neal will closely monitor the quarterly case loads to ensure the numbers are headed in the right direction. Tippecanoe County expects to achieve full compliance after the first quarter of 2010. Ms. Neal recommends reimbursing Tippecanoe County's non-capital public defense expenditures and allow them until 1Q 2010 to reach compliance. Mark Rutherford asked how often part-time public defenders receive benefit packages comparable to county prosecutors. Deborah Neal said it is offered in many counties as a way to keep experienced attorneys taking public cases at such low rates. Greg Steuerwald made the motion to accept Tippecanoe County's explanation and approve reimbursement of Tippecanoe County's 3rd quarter non-capital public defense expenditures. Susan Carpenter seconded this motion. The motion passed unanimously.

Notice of Non-Compliance: Warning letters (not 90-Day Notices) were sent to the following counties due to non-compliance with Standard J caseload limits. These letters were meant as notification of the Commission's ability to suspend reimbursements if the caseload limits continue to be exceeded. For now, staff counsel will closely monitor each county and will issue 90-Day Notices if caseloads do not decrease:

- a. Blackford County
- b. Decatur County
- c. Fayette County
- d. Jay County
- e. Martin County
- f. Parke County
- g. Rush County

Status Per County of Compliance with Standard J Caseloads: Deborah Neal presented the Commission with a chart showing the status of all program counties regarding Standard J. This spreadsheet is a good overview of all counties. Larry Landis asked if he could distribute this at the upcoming Chief Public Defender meeting and was given permission to do so. Larry Landis also said staff should be commended for reaching out to counties in trouble and helping them solve compliance problems. Mark Rutherford said it is his observation that the compliance problems are far fewer than they were when he was first appointed to the Commission several years ago. Peter Nugent said the Commission needs to be careful not to over-regulate counties because that would cause some counties to leave the program and un-do the good we have achieved. Mark Rutherford said while we need to be concerned about losing counties we also need to keep in mind that the Commission has limited funds and the counties that actively try to meet our Standards should be rewarded. Losing a county that is not making a good-faith effort to meet our standards does not really concern me. He also said that using the carrot and stick method seems to work and although we have lost a few counties in the past two years, he feels those counties would not have achieved compliance no matter how much latitude was given them regarding compliance. Some counties were just looking for free money.

Peter Nugent said he is still concerned that the minute the Commission starts examining private practices, taking cases in more than one county or limiting hourly assignments we are going to start losing attorneys willing to take public cases. While that may not hurt large counties, it will hurt the smaller counties that already have problems finding experienced criminal attorneys willing to take indigent cases. Susan Carpenter agreed that the Commission must walk a fine line. We don't want to be sitting here reimbursing public defenders that take eight times the allowable caseloads. Once one instance of a public defender making an inordinate amount of money occurs the Commission will no longer be credible. Mark Rutherford said we have good eyes and ears and can identify where the potential abuses are and resolve them without over regulating. Larry Landis agreed and said we need to investigate those attorneys taking more than one contract. You cannot have three part time contracts. Deborah Neal said staff could provide information on public defenders crossing county lines immediately, however, she reminded the Commission we would only have information on counties in the program.

Financial Status of Public Defense Fund: Deborah Neal reported that if 3rd quarter claims were paid immediately, the Public Defense Fund would have a negative balance of \$2,886,657.50. The claims will not be paid until the semi-annual allotment is paid into the fund on January 1, 2010. This will allow claims to be paid in full, with no pro-rationing. Deborah Neal also included a projection for the next 4 years. Based on current claims, the Commission may be able to cease paying current quarter claims with future allotments by 2013.

Deborah Neal also reported that LaGrange County plans on entering the Public Defense Program in 2010. The county hopes to present a Comprehensive Plan to the Commission in March. She believes the county will be in compliance with all Standards upon entry.

Requests for 50% Reimbursement in Capital Cases: Jeff Wiese reported capital claims totaled \$52,773.60 for this quarter. Susan Carpenter made a motion to approve payment of capital claims in the amount of \$52,773.60. Peter Nugent seconded the motion. Motion passed unanimously. Claims submitted for reimbursement are as follows:

INDIANA PUBLIC DEFENDER COMMISSION		
Reimbursement Requests in Capital Cases		
December 16, 2009		
COUNTY	DEFENDANT	TOTAL
Marion	Turner 1	\$21,560.30
Parke	Cottrell 1	\$13,674.08
Putnam	Stevens 1	\$3,024.50
Putnam	Stevens 2	\$3,119.28
Vigo	Walker 1	\$11,395.44
TOTAL		\$52,773.60

Requests for 40% Reimbursement in Non-Capital Cases: Jeff Wiese reported requested reimbursements in non-capital cases totaled \$3,896,890.40. Susan Carpenter made a motion to approve payment of non-capital claims in the amount of \$3,896,890.40. Peter Nugent seconded the motion. Motion passed unanimously. Claims submitted for reimbursement are as follows:

INDIANA PUBLIC DEFENDER COMMISSION					
Third Quarter (July 1, 2009 - September 30, 2009) Requests for Reimbursements in Non-Capital Cases					
12/16/2009					
COUNTY	Total Expenditure	Adjustment For Non-Reimbrsbl	% of Adjstmt	Eligible Expenditure	40% Reimbursed
ADAMS	\$98,327.87	\$24,904.11	25%	\$73,423.76	\$29,369.50
ALLEN	\$844,136.82	\$111,296.12	13%	\$732,840.70	\$293,136.28
BENTON	\$6,358.00	\$1,816.57	29%	\$4,541.43	\$1,816.57
BLACKFORD	\$34,721.00	\$11,936.00	34%	\$22,785.00	\$9,114.00
CARROLL	\$37,027.24	\$7,925.57	21%	\$29,101.67	\$11,640.67
CLARK	\$142,970.59	\$11,516.08	8%	\$131,454.51	\$52,581.80
CRAWFORD	\$0.00	\$0.00	0%	\$0.00	\$0.00
DECATUR	\$43,146.77	\$12,354.80	29%	\$30,791.97	\$12,316.79
FAYETTE	\$234,048.22	\$38,160.04	16%	\$195,888.18	\$78,355.27
FLOYD	\$136,501.08	\$30,606.72	22%	\$105,894.36	\$42,357.74
FOUNTAIN	\$39,637.79	\$10,126.44	26%	\$29,511.35	\$11,804.54
FULTON	\$64,926.67	\$19,226.80	30%	\$45,699.87	\$18,279.95
GRANT	\$189,723.32	\$22,292.28	12%	\$167,431.04	\$66,972.42
GREENE	\$89,784.28	\$13,380.64	15%	\$76,403.64	\$30,561.46
HANCOCK	\$152,634.18	\$48,437.31	32%	\$104,196.87	\$41,678.75
HENRY	\$0.00	\$0.00	0%	\$0.00	\$0.00

HOWARD	\$379,094.42	\$60,823.05	16%	\$318,271.37	\$127,308.55
JASPER	\$66,155.65	\$23,685.36	36%	\$42,470.29	\$16,988.12
JAY	\$73,592.83	\$15,997.26	22%	\$57,595.57	\$23,038.23
JENNINGS	\$46,765.03	\$10,615.62	23%	\$36,149.41	\$14,459.76
KNOX	\$181,123.58	\$70,534.64	39%	\$110,588.94	\$44,235.58
KOSCIUSKO	\$149,189.87	\$70,008.19	47%	\$79,181.68	\$31,672.67
LAKE	\$935,776.77	\$13,027.05	1%	\$922,749.72	\$369,099.89
LAPORTE	\$141,541.82	\$25,004.96	18%	\$116,536.86	\$46,614.74
MADISON	\$367,649.75	\$27,763.92	8%	\$339,885.83	\$135,954.33
MARION	\$4,127,739.97	\$805,206.08	20%	\$3,322,533.89	\$1,329,013.56
MARTIN	\$19,960.67	\$14,168.10	71%	\$5,792.57	\$2,317.03
MIAMI	\$0.00	\$0.00	0%	\$0.00	\$0.00
MONROE	\$406,692.75	\$70,756.89	17%	\$335,935.86	\$134,374.34
MONTGOMERY	\$121,279.17	\$62,845.68	52%	\$58,433.49	\$23,373.40
NEWTON	\$0.00	\$0.00	0%	\$0.00	\$0.00
NOBLE	\$79,667.76	\$16,762.93	21%	\$62,904.83	\$25,161.93
OHIO	\$21,607.80	\$1,558.33	7%	\$20,049.47	\$8,019.79
ORANGE	\$53,331.80	\$18,268.60	34%	\$35,063.20	\$14,025.28
PARKE	\$37,999.26	\$9,405.76	25%	\$28,593.50	\$11,437.40
PERRY	\$101,991.05	\$17,584.66	17%	\$84,406.39	\$33,762.56
PIKE	\$68,724.49	\$10,226.73	15%	\$58,497.76	\$23,399.10
PULASKI	\$42,047.83	\$4,775.11	11%	\$37,272.72	\$14,909.09
RUSH	\$53,460.39	\$26,007.76	49%	\$27,452.63	\$10,981.05
SAINT JOSEPH	\$507,187.46	\$70,250.60	14%	\$436,936.86	\$174,774.74
SCOTT	\$0.00	\$0.00	0%	\$0.00	\$0.00
SHELBY	\$93,374.52	\$13,674.32	15%	\$79,700.20	\$31,880.08
SPENCER	\$20,257.84	\$2,968.00	15%	\$17,289.84	\$6,915.94
STEUBEN	\$80,624.59	\$16,081.82	20%	\$64,542.77	\$25,817.11
SULLIVAN	\$36,618.93	\$9,158.02	25%	\$27,460.91	\$10,984.36
SWITZERLAND	\$44,634.25	\$14,521.17	33%	\$30,113.08	\$12,045.23
TIPPECANOE	\$486,340.46	\$168,035.44	35%	\$318,305.02	\$127,322.01
UNION	\$22,388.88	\$2,599.45	12%	\$19,789.43	\$7,915.77
VANDEBURGH	\$555,942.91	\$104,111.53	19%	\$451,831.38	\$180,732.55
VERMILLION	\$25,881.70	\$12,304.41	48%	\$13,577.29	\$5,430.92
VIGO	\$387,771.63	\$80,316.34	21%	\$307,455.29	\$122,982.12
WABASH	\$55,894.10	\$11,453.49	20%	\$44,440.61	\$17,776.24
WARREN	\$8,632.97	\$3,531.00	41%	\$5,101.97	\$2,040.79
WASHINGTON	\$94,759.17	\$19,408.14	20%	\$75,351.03	\$30,140.41

WELLS	\$0.00	\$0.00	0%	\$0.00	\$0.00
WHITE	\$0.00	\$0.00	0%	\$0.00	\$0.00
WHITLEY	\$0.00	\$0.00	0%	\$0.00	\$0.00
TOTAL	\$12,009,645.90	\$2,267,419.89	19%	\$9,742,226.01	\$3,896,890.40

Request for Approval of Death Penalty Course for CR24 CLE Requirement: Jeff Wiese submitted an agenda from the Death Penalty Institute sponsored by the Kentucky Department of Public Advocacy to the Commission. He requested the Commission to approve this course for Criminal Rule 24 credit. The Commission does have the authority to approve all capital case training courses sponsored by the KDPA for Criminal Rule 24 credit. Larry Landis said the Kentucky Department of Public Advocacy conducts quality training programs. Susan Carpenter made a motion to approve all death penalty training programs sponsored by the Kentucky Department of Public Advocacy for Criminal Rule 24 credit. Peter Nugent seconded the motion. The motion passed unanimously.

Other Matters: Indiana Public Defender Council: Larry Landis reports he has applied for a grant from the Criminal Justice Institute to help cover the cost of developing a module compatible with the Supreme Court's Odyssey computer program for a management information system for public defenders. This module will generate a lot of useful data regarding public defense. The module should also generate caseload reports for the counties electronically helping staff and the counties.

Larry Landis stated he had hoped to present information on the survey of public defender overhead costs. Eight public defender offices have responded to his request for information however, the data varies greatly from office to office and he needs to meet with the chief public defenders to resolve this matter. He is hoping for better data which he plans on presenting to the Commission at the March meeting.

Adjournment: The next Commission meeting is scheduled for March 24, 2010. Elections for Chairperson will be held in addition to normal quarterly business. There being no further business to discuss, Susan Carpenter made the motion to adjourn and Peter Nugent seconded the motion. The motion passed and the meeting adjourned at 3:30 p.m.

Mark Rutherford, Chairman

Date